IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11727 of 2004

SHIVANG AGNIBINA CHAUDHARI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 11727 of 2004

MR RC KAKKAD for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1,3

MR DC DAVE for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of Order: 27/09/2004

ORAL ORDER

Due to paucity of time, it is not possible to pass a reasoned judgment. Hence, operative portion of the order is declared today. However, considering the urgency in the matter, some reasons are given hereinbelow and an elaborate and reasoned judgment and order will follow hereafter.

2. Pursuant to the advertisement issued by the respondent No.2 inviting applications for admission into the 1st year MBBS course the petitioner had submitted application for getting admission into the said course. At the time of submission of the application form the petitioner and all the candidates were informed to remain present at 9.30 A.M. on 31st July 2004 for the purpose of counselling and admission. The petitioner did not remain present on 31st July 2004 at the time when the petitioner's turn came for the purpose of counselling and therefore considering Rule 19 of the Rules for admission in the 1st year MBBS course the admission of the petitioner is forfeited. Though it is the contention on behalf of the petitioner that he had reached there after half an hour, that is not borne out from the record. The petitioner for the first time moved an application on 20th August 2004 making a grievance that the petitioner reached half-an-hour late on 31st July 2004. It appears that the said contention is an afterthought as the said communication is made after a period of 20 days. The

natural conduct would have been that the petitioner would have moved such application immediately pointing out that he had reached the place of respondent No.1 half-an-hour late. Even otherwise in view of the fact that the petitioner did not remain present at the time of counselling on 31st July 2004 when the petitioner's turn came considering Rule 19 of the Rules for admission into 1st year MBBS course the admission of the petitioner is forfeited. Hence, there is no substance in the present Special Civil Application and the same is dismissed.

[M.R. Shah, J.]

rmr.